IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 37680 of 2007(I)

PETITIONER:

P.K.KUNAHAMMED, S/O.POKKER HAJI,
NOW RESIDING AT PUZHAKKALAKANDI HOUSE,
P.O.ERAVATTOOR (VIA) PERAMBRA, KOZHIKODE
DISTRICT.

BY ADV. SRI.N.SUBRAMANIAM
SRI.M.S.NARAYANAN

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM.

2. DIRECTOR OF URBAN AFFAIRS,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

BY G.P.SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI, J.

W.P.(C).NO.37680 OF 2007- I

Dated this the 19th day of December, 2007.

JUDGMENT

Petitioner is a handicapped person. He was appointed as Health Assistant Gr-II in the Kochi Corporation way back in 1976. Thereafter, he was in service in the Kozhikode Corporation, Irinjalakuda Municipality, Thiruvananthapuram Corporation, Kothamangalam Municipality, Kayamkulam Municipality, Vadakara Municipality and Muvattuppuzha Municipality as Health Assistant Gr-II and Gr-I. He was promoted as Health Supervisor on 22.10.2001 and in that capacity he served in Kayamkulam, Vadakara and Muvattupuzha Municipalities and Kozhikode Corporation.

2. Apprehending transfer to a distant place, the petitioner had approached this court in W.P.(C).No.16464/2006. Apparently, there was a submission made by the learned Government Pleader that there was no proposal then to transfer the petitioner. But a short while thereafter, he was transferred to Attingal. It was challenged in W.P.(C).No.20923/2006. The petitioner was directed

to approach the Government. The Government cancelled the transfer of the petitioner to Attingal and directed to post him in the next arising vacancy in Shornur Municipality. Accordingly, he has been functioning in Shornur since 2.12.2006. The petitioner is a permanent resident of Perambra in Kozhikode. Even the daily travel to Shornur causes him serious difficulties on account of his physical disability. He has, therefore, sought for a posting in Kozhikode. In Exts.P11 and P12, it is pointed out that a vacancy is scheduled to arise in Vadakara Municipality on 1.1.2008 .

3. Taking note of the petitioner's physical disability and also taking note of the fact that since 1976 he has served in several Municipalities notwithstanding his physical disability and also the fact that the petitioner has only two years and five months to retire, the petitioner's request for a posting nearer to his place of residence requires sympathetic consideration.

In the circumstances, the writ petition is disposed of directing the 1st respondent to look into Exts.P11 and P12 and take a decision thereon at the earliest and at any rate before the existing vacancy in Vadakara municipality is filled up.

V. GIRI, JUDGE.

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